



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



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GOVERNOR

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SUPERINTENDENT OF
PUBLIC INSTRUCTION

September 5, 2007

Honorable George Miller, Chairman
Honorable Howard P. "Buck" McKeon, Senior Republican Member
Honorable Dale E. Kildee, Vice Chairman
Honorable Michael Castle, Senior Republican Member,
Subcommittee on Early Childhood, Elementary and Secondary Education
Committee on Education and Labor
U.S. House of Representatives
2181 Rayburn House Office Building
Washington, D.C. 20515-6100

Dear Mr. Chairman and Members:

Thank you for the opportunity to provide feedback on the staff discussion draft for Title I of the Elementary and Secondary Education Act (ESEA) and for conducting hearings in Washington, D.C. and throughout the country. On behalf of the elected bipartisan, State Board of Education and the Michigan Department of Education, we appreciate your willingness to open up the reauthorization process and solicit our input on the staff discussion draft for Title I of the Elementary and Secondary Education Act.

We genuinely appreciate reinforcement throughout the draft of the role of education service agencies (ESAs) in school improvement activities, an effort that strongly complements initiatives in Michigan with our 57 ESAs. Legislative inclusion of growth models, confidence intervals, and the option of a five-year graduation cohort are particularly welcome. Our experience suggests that this latter policy will especially benefit pupils in special education and alternative schools, as well as students who have experienced significant mobility or family dysfunction. The adoption of a three-year rolling average for adequate yearly progress (AYP) represents a very positive adaptation.

Other issues we would like to address are:

Coordination Between Federal Programs and Special Education

- The draft's emphasis on coordination between and among the various federal programs is positive. We particularly like the references to "response to intervention" and early intervening services distributed throughout the bill. Dual references in the Individuals with Disabilities Education Act (IDEA) and ESEA serve to reinforce the commonality and cross-cutting nature of these programs

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and the constituencies that are served. We also support the exception for programs serving exclusively, or predominantly, students with severe cognitive disabilities, from needing to request waivers to the one percent cap in calculating proficient scores on state assessments. We are also supportive of the ability to count state assessment results for students who no longer receive special education services for up to three years. Lastly, we appreciate very much the expansion of the list of allowable accommodations on state assessments for students with disabilities.

- Sec. 1112 (b)(1)(F)(i), p. 122, requires joint professional development between ESEA programs and Head Start. We believe it would be constructive to also include IDEA-funded preschool programs and state pre-Kindergarten programs. A similar inclusion should be made in description of funds being used to support preschool programs on Page 125, Sec. 1112, (b)(1)(N).; and on Pages 156-158, in Sec. 1114(b)(1)(G) relating to transition from pre-Kindergarten programs to Kindergarten; and likewise on Page 304, Sec. 1122 (b).

Assessment and Accountability

- In Section 1006, on page 19, Lines 17-21, this section would be enhanced and provide for stronger continuity by adding a reference to Section 1111(A) Postsecondary and Workplace Readiness that start on Page 115, by adding an amendment : Amend Page 115, Line 15, (%), after “supports” by adding “in conjunction with Sec. 1111(A)”.
- In Section 1111 (b)(3)(E)(ii) (IV), Pages 77-78, all alternate assessments are lumped together. This paragraph reflects current regulation for Alternate Assessments based on Alternate Achievement Standards, since we must have assessments for English Language Arts, mathematics, and science, but each state should continue to be allowed to determine what content areas they will develop in Alternate Assessments based on Modified Achievement Standards. We would suggest that the bill refer to “for the content areas the state has developed alternate assessments based on modified achievement standards they should yield results that measure the achievement separately.”
- In Section 1125, we believe the “Pilot Program to Include Locally Developed Measures” is a positive and useful addition to the Elementary and Secondary Education Act. Extending to states the flexibility of using locally-developed assessments, as well as formative assessments to determine AYP, is constructive. However, much more information is needed on how locally-developed assessments “may be used for purposes of determining adequate yearly progress” under section 1111 (b)(2), lines 10-11 on Page 333. Without more clarification of the processes, states thinking about applying may be hesitant to do so because they don’t know what criteria will be used to judge how adequately they have implemented such assessments.
- On Page 82, Lines 12-25, the language that requires states to develop and use native language assessments for language groups that comprise 10 percent or

more of the non-English speakers is a positive step. It is our sincere hope that specific resources would accompany this provision for states to develop such measures. We have noted that criteria that will be used to judge the technical adequacy of these assessments are not provided. It would be instructive to add some additional language to make that clarification.

Peer Review Process

- States uniformly were troubled by the peer review process developed by the U.S. Department of Education. In some cases, state officials found peer reviewers to be less than well skilled or knowledgeable in basic functions of state education agencies and/or the provisions of ESEA, the General Education Provisions Act, and EDGAR. It is critical that peer reviewers be given adequate training, and likewise that states being reviewed receive training opportunities, including those being given the option of participating in a mock peer review process so as to see in-depth the types of issues that might arise. Further, peer reviewers should be permitted to interact in person or in writing with the state they are reviewing to obtain more information, seek clarification, ask questions, and provide feedback.

Data Systems and Requirements

- On Page 306, a considerable number of data elements are to be included in the data system--some required and others permissive. Upon review, the sum total of all these elements is literally overwhelming. While there is relative universal agreement that data is needed, we hope that it is the intent that the resources necessary to develop and implement these statewide longitudinal data systems will be made available.

Comprehensive School Improvement and Assistance Plans

- In Sec. 1116 (a)(2), schools in Year 1 must develop a comprehensive school improvement and assistance plan to address the causes for not making AYP. Also, the local education agency (LEA) must approve the plan and in Year 2, or as soon as the plan is approved, the plan must be implemented. It is our stance that this plan really needs a modicum of outside assistance or intervention because the school and LEA are "co-dependents" in the school's current problems. Specialists in school improvement from ESAs or the state have capacity to serve this function. This section could be strengthened by requiring and suggesting that an independent third party sign off on the veracity of the data, that the data define vertical causes of the school's current achievement issues, and the plan will actually address these issues and work toward changing the achievement pattern.
- Later in Sec. 1116 (b)(3)(A)(i), we view the language as too prescriptive and suggest leaving in only the primary language in Subsections (A)-(F), and omitting the detail in (A)(i-v), (B)(i-vii). By way of explanation, the subparagraphs are not an all inclusive list. Some will only help in limited

situations and others may be less important. We do not believe these subparagraphs address many of the key principles behind the school improvement framework and in the research on effective schools, e.g. leadership. Also some schools are greatly restricted in addressing some of the infrastructure issues, e.g., data systems, district policies, and other issues. These are district level changes that are necessary to enable the school to address building level changes. The system would be well served by returning to simply requiring a plan based on a comprehensive needs assessment and by eliminating the more prescriptive and complex language. The SEA should be required to develop a comprehensive needs assessment that ensures that schools identify strengths, weaknesses, and needs, based upon a data driven comprehensive review. The defined needs then should lead to an achievement action plan. The SEA should also be required to develop a planning model with defined elements for all schools in improvement to use, e.g. statements of needs, goals, objectives, strategies and action plans delineated with timelines and responsible parties.

- Also later in Sec. 1116(b)(4), we believe there are some potential difficulties. Here, the LEA identifies which of its schools are considered high priority versus priority from the list of schools not making AYP. As above, the schools and the districts are co-dependents and it would seem that the SEA might be better able to objectively identify the high priority versus priority schools based on achievement data. The accountability of P.L. 107-110 was effective in part because it held schools responsible for improving achievement, but also because it held them responsible to an objective outside party.
- In Sec. 1116(b)(4)(D), in the Alternative Process, the situation arises whereby the LEA is in the position of identifying high priority versus priority schools. Admittedly the state has some role, and from our viewpoint it could work if the wording and the direction are slightly changed, as per Page 182, starting with Line 11 "(i) In General – A state may apply to the Secretary to use a State developed process to be applied to all schools in the State designating schools as High Priority Schools."

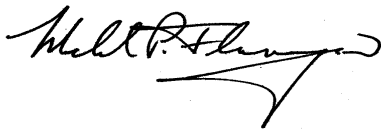
Supplemental Education Services

- On Page 213, Lines 1-11, it appears as though Priority Schools were excluded from receiving services. In the case of Michigan, this would exclude 90 percent of the current schools that we believe should be receiving such services.
- On Page 214, we believe it would be wiser to have Supplemental Education Services (SES) providers determine which LEAs they will offer their services to rather than having LEAs decide which providers are to offer services in their LEA.
- On Page 215, Lines 4-5, we caution requiring the LEA to post SES enrollment forms on their website. We have found that this allows the providers to forge or otherwise distort the application process.

- On Page 218, Lines 3-9, the requirement on providing notice to potential SES providers is too ambiguous. It is too difficult for the state to determine who the potential provider is, e.g., all for-profits and not-for-profits with any interest in students.
- We recommend that states within two years be encouraged to develop an automated and integrated SES application, evaluation, and billing system for all priority and high priority schools. This would serve to significantly reduce much of the tugs and pulls and administrative burden of schools.
- On Page 220, Lines 1-7, we believe the language is too restrictive. A provider would need to be actually offering tutoring for two years prior to applying for SES state approval to be eligible.
- On Page 225, Lines 14-25, it may be instructive to rethink the approach of financial support for administration of SES. We caution taking this level of funding from the LEAs.

Again, we appreciate this exceptional opportunity to provide input on the front end of the legislative process in the House Committee on Education and Labor. We look forward to working with the Committee leadership, as well as the three other Michigan Members of Congress serving on Education and Labor. Again, thank you. Please feel free to call upon me or my staff if we may further elaborate on the recommendations we have made.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael P. Flanagan", with a stylized flourish at the end.

Michael P. Flanagan
Superintendent of Public Instruction